Case: 4:24-cv-00479-MTS Doc. #: 19 Filed: 09/09/24 Page: 1 of 2 PageID #: 64

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

DAVID LETTIERI,)	
Plaintiff,)	
VS.) Cas	e No. 4:24-cv-00479-MTS
OLIVETTE PRODUCTS,)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Leave to Proceed in Forma Pauperis on Appeal. Doc. [16]. The Court will deny the Motion. First, the Court concludes that an appeal from the dismissal would not be taken in good faith. See Fed. R. App. P. 24(a)(3)(A); see also 28 U.S.C. § 1915(a)(3). As cited in the Order of Dismissal, Plaintiff did not comply with the Court's Local Rules. Consistent with the applicable Local Rule, the Court dismissed Plaintiff's action without prejudice. It was in the Court's discretion to do so. See Schooley v. Kennedy, 712 F.2d 372, 374 (8th Cir. 1983) (per curiam) ("An involuntary dismissal pursuant to local rules of practice for failure to comply with the district court's order is within the discretion of the trial court."). Second, Plaintiff's Motion did not comply with 28 U.S.C. § 1915(a)(1) in that he did not describe the nature of his appeal, see Doc. [16] (leaving that section blank), and did not answer whether he has any cash or money in a checking account, savings account, or prison account, id. The Court, therefore, cannot determine whether he is unable to prepay the filing fee.

Accordingly,

IT IS HEREBY CERTIFIED that an appeal in this action would not be taken in good faith.

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to Proceed in Forma Pauperis on Appeal, Doc. [18], is DENIED.

IT IS FINALLY ORDERED that Plaintiff's Motion for Reconsideration, Doc. [16], is DENIED. See Fed. R. Civ. P. 62.1(a)(2).

Dated this 9th day of September 2024.

MA/TTHEW T. SCHELP

UNITED STATES DISTRICT JUDGE